



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
April 09, 2007
5:00 P.M.
Council Office

COUNCIL MEMBERS PRESENT:

V. Spencer, J. Waltman, S. Fuhs, S. Marmarou, M. Goodman-Hinnershitz, D. Sterner

OTHERS IN ATTENDANCE:

L. Churchill, C. Kanezo, C. Younger, L. Kelleher, A. Mukerji, C. Jones, Members of the East Reading Pool Association

Vaughn Spencer, President of Council, called the Committee of the Whole meeting to order at 5:00p.m.

I. Earl Trust Dissolution

Mr. Younger reviewed the disposition of the various parcels contained in the Earl Estate; Mr. Younger presented a map prepared by the County Planning Office. The map detailed the location of each parcel contained in the estate. Mr. Marmarou asked if the City and County could change parcels or if the division could be completely reworked before an agreement was finalized. Mr. Younger stated anything was possible at the present time; however, there was some rationale behind the proposed division. Ms. Goodman-Hinnershitz observed the proposed division aligned contiguous properties.

Mr. Jones stated several parcels were contained to the City or County on the basis of interest. For example, Rotary Park was given to the City, while parcels adjacent to Antietam Lake were given to the County. Mr. Spencer asked when negotiations concerning the dissolution of the trust had begun. Mr. Younger explained the initial proceedings began several years ago, while Keith Mooney was Solicitor. After some time talks ended. The matter went unresolved until the present City and County Administrations agreed to push the issue forward.

Mr. Spencer questioned how the agreement was negotiated and why certain parcels, notably Bernhart's dam became a City liability. Mr. Spencer requested Council table action pending

further discussion between all parties involved. Mr. Spencer listed other questions that should be answered prior to Council taking any action: division of property, maintenance costs, reasons for the trusts dissolution, outstanding debt obligations. Ms. Goodman-Hinnershitz agreed that additional answers should be provided before Council commits to approving the proposed agreement.

II. Review of Solid Waste Ordinance

Mr. Churchill presented several substantial changes to the existing ordinance. The proposed changes would allow the municipal contractor (BFI) to collect trash left out and not collected by other haulers; BFI would document the missed collection, collect the trash and bill the property owner for the collection. The proposed changes empower the City to get a handle on property owners who do not have a hauler. One of the most important revisions to the ordinance would allow the City to assign repeat offenders to the City program. Mr. Spencer asked who would be held responsible in instances where illegal dumping has occurred. Mr. Churchill stated the property owner would be held accountable, whether the trash belongs to the owner or not.

Mr. Spencer strongly objected to penalizing property owners for actions beyond their control. Mr. Churchill remarked that only two parties could be held responsible in an illegal dumping situation: 1. the property owner; 2. the City. In view of his consistent objections to attempts made by the City to manage trash issues, Ms. Goodman-Hinnershitz asked Mr. Spencer to propose a solution. Mr. Spencer remarked that an alternative plan might not be possible. Mr. Spencer further stated the issue wasn't one of a good vs. bad plan. The issue was about treating property owners and tax payers fairly.

Mr. Waltman objected to what could be viewed as a defacto municipal trash program. Mr. Waltman asked the Administration to remember the will of the people, which was clearly expressed during the recent election. Mr. Churchill felt Council was missing the issue. The issue, as viewed by the Administration, is abating a trash problem. The penalties proposed in the amendments to the ordinance are the only way of assuring peace of mind. Mr. Waltman believed other methods could be used to abate the problem. Mr. Waltman asked that Council and the Administration hold a series of high level meetings to discuss the matter further.

Mr. Fuhs remarked that the issue is very simple: get trash off the streets. Mr. Fuhs felt to debate the issue any longer would be doing a disservice to the tax payer. Mr. Waltman argued to allow time to consider alternatives, Ms. Goodman-Hinnershitz requested Mr. Spencer propose an alternative. Mr. Waltman proposed the establishment of a trash commission to coordinate enforcement with Codes and the Solid Waste coordinator. Such a commission could also work with private haulers to achieve compliance and deal with problem residents.

Mr. Marmarou believed the issue, as all other issue ultimately do, boiled down to enforcement. The provisions of the proposed ordinance must be vigorously enforced and Council cannot interfere. Mr. Marmarou, Mr. Sterner and Mr. Fuhs all agreed to support the proposed ordinance. Ms. Goodman-Hinnershitz offered to allow more time for discussion. After some additional discussion of the proposals made by Mr. Waltman, Council agreed to hold a more in depth discussion at a future meeting.

III. Sale of East Reading Pool

Mr. Jones reported that the two concerns discussed by Council at the last meeting: 1. naming of the Pool; 2. creation of new memberships are rights of stockholders, were presented to members of the Association board. Mr. Waltman repeated fears of mingling public dollars with private activities. Mr. Fuhs agreed with the concerns raised by Mr. Waltman. Ms. Goodman-Hinnershitz thought the most important issue is the continued sale of memberships by the Association. Ms. Goodman-Hinnershitz stressed that the Association would only sell membership until outstanding stock holders were satisfied. Mr. Fuhs repeated that it is difficult to accept the satisfaction of private debt by what will become a public institution.

Mr. Fuhs suggested the City find a way of paying off all debts incurred by the Association, thereby eliminating the need for the Association's continued existence. Representatives of the Association thanked Mr. Fuhs for suggesting the City would assume responsibility for outstanding obligations. The Association is only interested in preserving a 50 year old East Reading institution and maintaining a place for the children of members to recreate during the summer. Representatives of the Association maintained that their members would have to receive priority over non association members.

There was a discussion of legal issues related to pool capacity. The members of the Association maintained earlier discussions with the Administration indicated Association members would be given preference over regular citizens. Mr. Jones indicated such a preference would violate State law and the City never agreed to such terms. The representatives of the Association accused the City of misrepresenting key facts and then walked out of the discussion.

Mr. Churchill reiterated that the City never advocated preference for Association members as terms of the agreement. While early discussion had reviewed the possibility of preference, the City never committed. Mr. Churchill informed Council that the Administration still supported acquiring East Reading Pool. Mr. Churchill and Mr. Jones would discuss revising the proposal to partially satisfy issues raised by Council and the Association.

The session lasted until Council formally adjourned at 7:10p.m.

Respectfully Submitted

By: _____
Linda A. Kelleher, City Clerk